

6-8-01

CPA 12876

PTO/SB/29 (10-00)

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

#86/15/01
amw

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

IMA-0009

First Named Inventor

MADDING ET AL.

Examiner Name

FRANKLIN, J.

Group Art Unit

2876

Express Mail Label No.

EXPRESS MAIL LABEL NO. EE71847085145

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09,248,419

filed on 02/11/99, entitled METHOD & APPARATUS FOR BARCODE SELECTION OF

NOTES THERMOGRAPHIC SURVEY IMAGES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☒ PTO-1449
 - ☒ Copies of IDS Citations

06/12/2001 SLUANG1 00000038 09248419

01 FC:131
02 FC:102
03 FC:103

710.00 OP
240.00 OP
248.00 OP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> TOTAL CLAIMS (37 CFR 1.16(c) or (l)) INDEPENDENT CLAIMS (37 CFR 1.16(b) or (l)) MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) BASIC FEE (37 CFR 1.16) Total of above Calculations = Reduction by 50% for filing by small entity (Note 37 CFR 1.27). * Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent. </div>	TOTAL CLAIMS (37 CFR 1.16(c) or (l))	36-20* =	16	x \$ 18 =	\$ 288
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (l))	6-3** =	3	x \$ 80 =	240
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ _____ =	_____
				BASIC FEE (37 CFR 1.16)	710
				Total of above Calculations =	1238.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	_____
TOTAL =					1238.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. _____:
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☒ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: PETITION FOR EXTENSION OF TIME European Search Report

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> New correspondence address below		(Insert Customer No. or Attach bar code label here)	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Edward L. Kelley
Signature	<i>Edward L. Kelley</i>
Registration No. (Attorney/Agent)	41,112
Date	June 5, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7C
6/15/01
amr

Inventor **Madding et al.**

Examiner: **Franklin, J.**

Serial No. **09/248,419**

Art Unit: **2876**

Filing Date **02/11/99**

Docket **IMA-0009**

Title: **METHOD AND APPARATUS FOR BARCODE SELECTION OF THERMOGRAPHIC SURVEY IMAGES**

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

This preliminary amendment is being filed along with a CPA request transmittal. The amendments and remarks made herein are being made in response to the Office Action mailed December 8, 2000. Please amend the applications as follows.

Petition for extension of time:

Applicants hereby petition the Assistant Commissioner of Patents for a three (3) month extension of time according to Rule 1.136 (a). A petition fee in accordance with 37 C.F.R. § 1.17(a)3, in the amount of \$445.00, is enclosed herein. Applicants claim small entity status in the prior application but will not claim small entity in the CPA application being filed herein.

A CREDIT CARD PAYMENT FORM in the amount of \$ 445.00 is enclosed herein.

Edward L. Kelley
Agent for Applicant
Registration No. 41,112
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Lexington, MA 02420
(781)-863-6480

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EXPRESS MAIL DEPOSIT

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service pursuant to 37 C.F.R. 1.110, on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature:

Date:

June 7, 2001